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Ninth Judicial District Court Curry & Roosevelt Counties, New Mexico

December 6, 2019

MuckRock News Department
Attn: Lucy Parsons Labs
MR 82895, 411A Highland Ave
Somerville, MA 02144

Sent via Email: 82895-71535069@requests.muckrock.com

Re: IPRA request to Ninth Judicial District Court

Dear Ms. Parsons Labs,

We have received your email forwarded by the State of New Mexico Administrative Office of the Courts on November 21, 2019, requesting that the court provide:

For all search warrants, applications for search warrants, cancellations, and authorization for search warrants between 2012 to the date of processing this request, please provide the following points of record for each:

Full Name of requester

If arrest, arrest ID (eg some cities/states use, "Incident Report")

Reason(s) for search warrant (typically either hand-written, or checkboxes)

Badge ID (or similar) of requester

District/Unit

Name of Judge

Name of approving officer

Whether an Arrest happened

Requested location of search warrant

Location of search warrant execution

Type of search warrant

Statements used to justify search warrant

Time and date when search warrant was submitted for approval

Time and date when search warrant was executed

Whether anything was seized

Whether anything was found

License plate of vehicle (if relevant)

Race of person fr search warrant

Age of person for search warrant

State of person for search warrant

Whether an informant was involved

Method of contact with informant leading to search warrant (eg, phone call, mail, fax, email, etc)

Description of person search warrant executed on

Legal code of violation

Description of violation

Date of violation

If search warrant related to debt: name of company debt is owed to, amount owed

Whether FBI involved

ID associated with FBI document (eg, IR #)

Whether search warrant was cancelled

Whether contraband found

Whether narcotics found

It is the policy of the Ninth Judicial Court to be fully responsive to requests for public records available under the Inspection of Public Records Act, NMSA 1978, § 14-2-1 *et seq.* (“IPRA”). The Inspection of Public Records Act provides the public with the right to access government records. IPRA requires government agencies to allow the inspection of existing records. Your request is not for a record. Instead, you asked for bulk data relating to warrants. The New Mexico IPRA does not impose a duty on state agencies to create records that do not already exist.

The Ninth Judicial District Court uses the Odyssey electronic case management system for docketing and case management purposes. Please be advised that the Odyssey system is not being utilized to capture and report the specific and discrete data you requested regarding search warrants. The Court does not maintain or run any reports that would routinely gather and produce the data you requested. The provisions of IPRA do not require a governmental body to create documents, lists, spreadsheets, statistics or other reports in order to respond to a records request. See NMSA 1978, §14-2-8(B) (Nothing in the Inspection of Public Records Act shall be construed to require a public body to create a public record.). For example, you ask for the “age” of each person subject to a search warrant since 2012. We have no record that contains a compilation of the ages of every person who was the subject of a search warrant. Similarly, you also asked for a “description” of each person subject to a search warrant since 2012. Again, we have no record or report that provides that information. What you have asked for are data points that must be manually culled out of hundreds of thousands of pages of records, and compiled into reports that currently do not exist. As noted above, IPRA does not require an agency to create a report that does not exist.

Furthermore, the Ninth Judicial District Court does not have custody or control of arrest records or data. See Rule 5-211 NMRA, Search Warrants (Search warrants may only be

executed by “a full-time salaried state or county law enforcement officer, a municipal police officer, a campus security officer, an Indian tribal or pueblo law enforcement officer, or a civil officer of the United States authorized to enforce or assist in enforcing any federal law.”). Public records requests seeking law enforcement records, statistics and reports should be requested through the law enforcement agency that handled the criminal investigation, namely the Clovis Police Department, the Curry County Sheriff’s Office, the Portales Police Department or the Roosevelt County Sheriff’s Office. It is advisable for you to write an additional letter requesting the records to the proper law enforcement agency that conducted the criminal investigation.

Your inspection of public records request is now considered to be closed.

Sincerely,



Kevin Spears
Court Executive Officer
Ninth Judicial District Court